

Honda Finance Violations against the FDCPA

April 8, 2011

IN THE COUNTY COURT OF DESOTO COUNTY, MISSISSIPPI

WILLIAM ALLEN CARPENTER

PLAINTIFF

VS.

CIVIL ACTION #CO 2011-0629CD

HONDA FINANCIAL SERVICES

DEFENDANT

CLAIM AGAINST HONDA FINANCIAL SERVICES

COMES NOW, William Allen Carpenter, Plaintiff, requesting compensation for multiple complaints against Honda Financial Services.

FACTS

1. William Allen Carpenter, further known as Plaintiff does have an account with Honda Financial Services, a wholly owned subsidiary of American Honda Motor Corporation.
2. Honda Financial, hereby known as Defendant, does have a valid open account in the name of the Plaintiff for 2 (two) ATV vehicles.
3. This court does have jurisdiction over both parties as all transactions in person and over the phone were in the state and county of Desoto County Mississippi.
4. The Plaintiff has had unexpected financial issues and has kept in contact with Honda Financial about payments that would be late or inadequate.
5. The Plaintiff has requested that the Defendant no make multiple phone calls or any phone calls while the Plaintiff is at work.

FILED
DESOTO COUNTY, MS

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APR 08 2011

Dale K. Thompson
CIRCUIT COURT CLERK

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6. The Plaintiff also requested that the Defendant no call from a number that is blocked or unknown as these calls often come from fraudulent places and is a deceptive measure used by Debt collectors that is in violation of Federal Laws.
7. The Plaintiff sent request in writing sent by certified mail on March 15, 2011 with the USPS tracking # 9010 3990 0802 9463. This letter was delivered on March 20, 2011 at 8:18AM per the United States Postal Services which is considered by the court valid proof of notification. (Please see Exhibit B)
8. Honda Financial continued to contact the Plaintiff with an unknown phone number and during the working hours of the Plaintiff. 15 U.S.C. § 807(10).

"The use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer."

9. Your blocked calls are deceptive and are a violation of my rights as a consumer. As stated, I did not plan to fall behind on payments or for the country's economic situation to cause me to have problems with my finances.
 - a. **3/22/2011 10:31 AM Judy called from an unknown number said she was calling for Honda Financial Services 800-532-8129**
 - b. **3/22/2011 10:32 AM Judy called from an unknown number said she left a message that she is calling for Honda Financial Services 800-532-8129**
 - c. **4/1/2011 Fri 11:07AM Honda Financial Services 866-950-3840**
 - d. **4/1/2011 Fri 2:24 PM Honda Financial Services 866-950-3840**
 - e. **4/1/2011 Fri 5:39 PM Honda Financial Services 866-950-3840 (After hours and an acceptable time, I spoke with the rep and let him know that I made payment on Friday)**
 - f. **4/2/2011 Sat 8:45 AM Honda Financial Services 866-950-3840 (On a weekend and within acceptable hours)**
 - g. **4/4/2011 Mon 2:23 PM Honda Financial Services 866-950-3840**
 - h. **4/4/2011 Mon 10:56 AM Honda Financial Services 866-950-3840**
 - i. **4/4/2011 Mon 5:59 PM Honda Financial Services 866-950-3840 (After hours and an acceptable time, but beyond the allowed limit for the day.)**

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- j. 4/5/2011 Tues 10:47 AM Honda Financial Services 866-950-3840 (Monica)
- k. 4/5/2011 Tues 12:42 PM Honda Financial Services 866-950-3840 (Roxanne)

10. The call log since the receipt of the letter to Honda Financial is indicated in Exhibit C.

COMPLAINT

1. The Defendant has strictly violated the Federal Debt Collection Act § 806, 15 USC 1692(5). This is in reference to paragraph 8 under the FACTS section a, b, c, d, g, h, j, and k.

“Causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.”

2. The Plaintiff has verbally requested that the Defendant not call from blocked phones or while the Plaintiff is at work indicating the times that the Plaintiff is available. Finally these requests were put in writing and sent to the Defendant (Exhibit A) Debt Collection Act § 805, 15 USC 1692(3). These apply to paragraph 8 under the FACTS section a, b, c, d, g, h, j, and k.

“at the consumer’s place of employment if the debt collector knows or has reason to know that the consumer’s employer prohibits the consumer from receiving such communication.”

3. These calls have not only disturbed my work, but they have endangered my job in the future.

DEMANDS

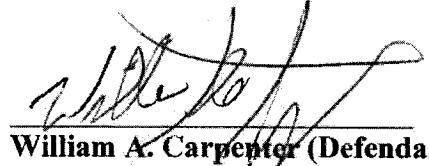
- 1. Plaintiff prays relief from this Defendant by this honorable court as allowed by law.
- 2. The Plaintiff requests judgment from the court in the amount of \$8,000 for violations of the Federal Laws which Mississippi normally uses as default in such cases. The amount of \$1,000 for each of the calls after receipt of the letter requesting that calls and communication be limited.

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- a. 3/22/2011 10:31 AM Judy called from an unknown number said she was calling for Honda Financial 1-800-532-8129 (**\$1,000**)
- b. 3/22/2011 10:32 AM Judy called from an unknown number said she left a message that she is calling for Honda Financial 1-800-532-8129 (**\$1,000**)
- c. 4/1/2011 Fri 11:07AM Honda Financial Services 866-950-3840 (**\$1,000**)
- d. 4/1/2011 Fri 2:24 PM Honda Financial Services 866-950-3840 (**\$1,000**)
- e. 4/4/2011 Mon 2:23 PM Honda Financial Services 866-950-3840 (**\$1,000**)
- f. 4/4/2011 Mon 10:56 AM Honda Financial Services 866-950-3840 (**\$1,000**)
- g. 4/5/2011 Tues 10:47 AM Honda Financial Services 866-950-3840 (Monica) (**\$1,000**)
- h. 4/5/2011 Tues 12:42 PM Honda Financial Services 866-950-3840 (Roxanne) (**\$1,000**)

Respectfully Submitted,


William A. Carpenter (Defendant)
7800 Parkview Circle East
Southaven, MS 38671
(901) 413-8707

Honda Finance Violations against the FDCPA

April 8, 2011

Received by Plaintiff's attorney on 5/20/2011 from Honda Finance, Inc.

Received by Plaintiff's attorney on 5/20/2011

Received by Plaintiff's attorney on 5/20/2011



William Allen Carpenter
1900 Piedmont Circle East
Brentwood, MS 38013

wacarpenter71@gmail.com
http://carpenter1.us

To: American Honda Finance Corporation
P.O. Box 10437
Atlanta, GA 30343-5037

RE: Account Reference 2005 FOURTHAXX-XXXX-XXXX-XXXX-XXXX	Account Number: [REDACTED]
	Account Number: [REDACTED]

To whom it may concern,

Pursuant to my rights under federal debt collection laws, I am ordering that you cease and desist communications specific communications which are immediately as outlined in the Fair Debt Collection Practices Act as outlined by the Federal Trade Commission (FDCPA) 15 U.S.C. § 1692.

- I am not asking for validation of debt or validation of my credit. I understand that costs on debts are recoverable. I understand that I can have an age put on my credit and will make that as soon as possible. I do not want any further damage caused to my credit history or to my car. Honda Financial has worked with me to attempt to keep my account up to date. I plan to catch up on the payments as long as the account remains in good standing.
- I am available to be interviewed on either Friday - Saturday, Sunday, Monday, Tuesday, Thursday, and Friday at my cell phone number #601 434-7071. My preferred time would be any period outside of hours as follows:

William Allen Carpenter
1900 Piedmont Circle East
Brentwood, MS 38013
wacarpenter71@gmail.com

- I demand that you stop calling me from a blocked number. I will not tolerate any more who calls with an unknown number or from calls too frequently when no need. I've informed your company to please after those unknown calls and explained that I will not speak to anyone on an unknown or blocked number in the future if the calls from Honda were not from a listed number and that is the reason for this order of which I take as doubtful practice.

Please refer to 15 U.S.C. § 1692g "Causing a telephone to ring or engaging any person in telephone conversation by means of an automatically-dialed telephone instrument, without prior notice to such person, in such manner as to cause such person to believe that such call originates from any other person."

Honda Finance calls are phone tree calls to many people at once. It is a violation of the FDCPA. Not to mention the illegality. This is causing my credit to be damaged and destroying my credit. I did not file this to court. Honda when I am making a payment when I am behind and still doing these calls to my contacts.

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Received by Plaintiff's attorney on 5/20/2011 from Honda Finance, Inc.

Received by Plaintiff's attorney on 5/20/2011

Also take note of 15 U.S.C. § 1692g "Causing a telephone to ring or engaging any person in telephone conversation by means of an automatically-dialed telephone instrument, without prior notice to such person, in such manner as to cause such person to believe that such call originates from any other person."

Your medical calls are deceptive and are a violation of my rights as a consumer. As stated, I did not file a class action or a personal or for the money's amount claim to cause me to have problems with my credit.

- Do not, under any circumstances contact me under the number 601-434-7071 as services or finance issues as this is my credit and will result in an automatic complaint filed against the company.
- Do not under any circumstances communicate anyone in my family, my place of business or my friend in reference to this account.

Please do not call me and if I do not think that I need to sue my wife, DONOT call my number other than the number provided in the above.

Since I have verbally requested these actions multiple times; I am sending written order for these demands to be carried out. According to Federal Law, violations of the above demands are punishable by \$1000 per occurrence and are cumulative.

This letter is being sent via certified mail. If these signatures are below I will immediately prepare and file official complaint in the appropriate court and it will add additional motions such that these federal rules are violated. Meaning, if you call me from a blocked number, I will take the representative's name and add a motion requesting the appropriate \$1000 in damages. If I am then called back 2 minutes later (or happens every time) I will again ask the representative's name, verify that it is indeed Honda Financial and add a second motion seeking the \$1000 in damages. The other problem is calling my relatives. My friends and relatives have been informed and will respect the representative's name and I will ask the judge to file a affidavit and then I will file a motion for a \$1000 fine for damages. As with my phone, my relatives have been receiving two calls at a row from Honda Financial then this will mean two motions each for \$1000.

For Example - Today alone, I received 4 blocked or unknown calls during work hours from Honda Financial. One of my relatives received 2 calls from Honda Financial. If this happens again, this would mean I would be filing 6 motions seeking \$6000 in damages from Honda Financial. I think it will be to your advantage to give this matter immediate attention.

Respectfully,

William Allen Carpenter

Exhibit A

Honda Finance Violations against the FDCPA

April 8, 2011

SOUTHAVEN MFO 7530 AIRWAYS BLVD SOUTHAVEN, MS 38671-9998			
03/15/2011 08:55:16 PM			
Sales Receipt			
Product Description	Sale Qty	Unit Price	Final Price
ATLANTA, GA 2-348-5027 Zone 4 First Class Mail® Letter	0 lb. 0.10 oz.	* Expected delivery Friday, March 18, Certified Mail™	\$4.44 \$2.80
		Return Receipt (email)	\$1.10
		Label #:	
		7196 9010 3990 0802 8483	
Issue Postage			\$4.34
Total:	<i>Class 3 Direct to Honda</i>		\$4.34
Paid by:			
DebitCard			\$4.34
Account #:			
Approval #:			
Transaction #:	338		
23-902260074-99			
Receipt #:	107483		
APC Transaction #:	115		
USPS® #	277018-9550		
<p>* IMPORTANT: For Return Receipt (by email), wait at least one day, but no more than 60 days, to make your request; visit www.usps.com; select "Track & Confirm"; enter label number(s); select "Request Return Receipt (Electronic)"; enter your name and email address.</p>			
<p>To check on the delivery status of your Certified Mail® article, visit our Track & Confirm website at www.usps.com or use this Automated Postal Center® (or any Automated Postal Center® at other Postal locations).</p>			
<p>Thanks, It's a pleasure to serve you.</p>			
<p>ALL SALES FINAL ON STAMPS AND POSTAGE. REFUNDS FOR GUARANTEED SERVICES ONLY.</p>			

Exhibit B

Honda Finance Violations against the FDCPA

April 8, 2011

Honda financial calls to 901-413-8707

Honda Financial violations of the FDCPA

Label/Receipt Number: 7196 9010 3990 0802 9463

Expected Delivery Date: March 18, 2011

Class: First-Class Mail[®]

Service(s): Certified Mail[™]

Return Receipt Electronic

Status: Delivered

Your item was delivered at 9:18 am on March 20, 2011 in ATLANTA, GA 30348.

Detailed Results:

- Delivered, March 20, 2011, 9:18 am, ATLANTA, GA 30348
- Arrival at Unit, March 20, 2011, 1:25 am, ATLANTA, GA 30304
- Acceptance (APC), March 15, 2011, 8:55 pm, SOUTHAVEN, MS 38671

All following calls were made to 901-413-8707

Cease and Desist sent on 3/15/2011 by certified mail, 7196 9010 3990 0802 9463 and was received on 3/20/2011.

- a. 3/22/2011 10:31 AM Judy called from an unknown number said she was calling for Honda Financial 1-800-532-8129
- b. 3/22/2011 10:32 AM Judy called from an unknown number said she left a message that she is calling for Honda Financial 800-532-8129
- c. 4/1/2011 Fri 11:07AM Honda Financial 866-950-3840
- d. 4/1/2011 Fri 2:24 PM Honda Financial 866-950-3840
- e. 4/1/2011 Fri 5:39 PM Honda Financial 866-950-3840 (After hours and an acceptable time, I spoke with the rep and let him know that I made payment on Friday)
- f. 4/2/2011 Sat 8:45 AM Honda Financial 866-950-3840 (On a weekend and within acceptable hours)
- g. 4/4/2011 Mon 2:23 PM Honda Financial 866-950-3840
- h. 4/4/2011 Mon 10:56 AM Honda Financial 866-950-3840
- i. 4/4/2011 Mon 5:59 PM Honda Financial 866-950-3840 (After hours and an acceptable time, but beyond the allowed limit for the day.)
- j. 4/5/2011 Tues 10:47 AM Honda Financial 866-950-3840 (Monica)
- k. 4/5/2011 Tues 12:42 PM Honda Financial 866-950-3840 (Roxanne)

At this time I am expecting \$8,000 in compensation from Honda financial for violations against the Federal Debt Collection Practices Act.

America Honda Finance Corporation
Attention: John King
P.O. Box 1844
Alpharetta, GA 30023

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Exhibit C

Honda Financial Cease & Desist Harassing and annoying phone contact

Tuesday, March 15, 2011



William Allen Carpenter
7800 Parkview Circle East
Southaven, MS 38671

wacarp71@gmail.com
<http://carpenter1.us>

TO: American Honda Finance Corporation
P.O. Box 10527
Atlanta, GA 30348-5027

RE: Accounts

Rancher 2008
2008 FOURTRAX RANCHER ES
Account Number: [REDACTED]

Recon 2007
2007 FOURTRAX RECON ES
Account Number: [REDACTED]

To whom it may concern,

Pursuant to my rights under federal debt collection laws, I am ordering that you cease and desist communication specific communication with me immediately as outlined in the Fair Debt Collection Practices Act as outlined by the Federal Trade Commission, (FDCPA) 15 U.S.C. § 1692.

1. I am not asking for validation of debt or refusing to pay. I acknowledge the debt on these two accounts. I understand that I am late on my payments and will make this as soon as possible. Unforeseen circumstances caused me to become behind and to this point Honda Financial has worked with me to attempt to keep my accounts up to date. I plan to catch up on the payments to bring the account current and eventually pay the two accounts off.
2. I am available to be contacted on after 5pm – 9pm on Monday, Tuesday, Thursday, and Friday on my cell phone number (901) 413-8707. My preference for contact is my postal mail or email as follows:

William Allen Carpenter
7800 Parkview Circle East
Southaven, MS 38671

wacarp71@gmail.com

3. I demand that your company not call me from a blocked number. I will not speak to anyone who calls with an unknown number as these calls are frequently related to fraud. I have contacted your company by phone after these unknown calls and explained that I will not speak to anyone on an unknown or blocked number. In the past the calls from Honda were not from a blocked number and this seems to be a new tactic of which I take as deceitful practice.

Please refer to: 15 U.S.C. § 806(5) "Causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number."

Honda Financial calls my phone two times in a row, several times a day. Not every day, but sporadically. This is during my work hours and disturbs my work. I do take the time to notify Honda when I am making a payment since I am behind and feel that these calls have become harassing.

Honda Financial Cease & Desist Harassing and annoying phone contact

Tuesday, March 15, 2011

Also take note of 15 U.S.C. § 807(10) "The use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer."

Your blocked calls are deceptive and are a violation of my rights as a consumer. As stated, I did not plan to fall behind on payments or for the country's economic situation to cause me to have problems with my finances.

4. Do not, under any circumstances contact the number 901-258-2402 at anytime or for any reason as this is not my number and will result in an immediate complaint filed against your company.
5. Do not under any circumstances contact anyone in my family, at my place of business, or any friend in reference to this account.

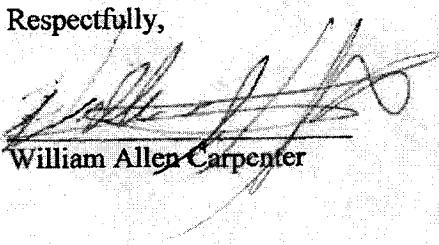
For the above #4 and #5, I do not think that I need to cite any rules. **DONOT** call any number other than the number provided in #2 above.

Since I have verbally requested these actions multiple times I am sending written order for these demands to be carried out. According to Federal Law, violations of the above demands are punishable by a \$1000 per occurrence and are cumulative.

This letter is being sent via certified mail. If these stipulations are broken I will immediately prepare and file official complaint in the appropriate court and at will add additional motions each time these federal rules are violated. Meaning, if you call me from a blocked number, I will ask the representatives name and add a motion requesting the appropriate \$1000 in damages. If I am then called back 2 minutes later (as happens many times) I will again ask the representative's name, verify that it is indeed Honda Financial and add a second motion seeking the \$1000 in damages. The other problem is calling my relatives. My friends and relatives have been informed and will request the representative's name and I will ask the party to file affidavit and then I will file a motion for a \$1000 fine for damages. As with my phone, my relatives have been receiving two calls in a row from Honda Financial thus this will mean two motions each for \$1000.

For Example – Today alone, I received 4 blocked or unknown calls during work hours from Honda Financial. One of my relatives received 2 calls from Honda Financial. If this happens again, this would mean I would be filing 6 motions seeking \$6000 in damages from Honda Financial. I think it will be to your advantage to give this matter immediate attention.

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America Honda Finance Corporation

Attention: John King

P.O. Box 1844

Alpharetta, GA 30023

SOUTHAVEN MPO
7550 AIRWAYS BLVD
SOUTHAVEN, MS 38671-9998

03/15/2011 08:55:16 PM

Sales Receipt			
Product Description	Sale Qty	Unit Price	Final Price

ATLANTA, GA 30348-5027	\$.44
Zone-4 First-Class Mail®	
Letter	
0 lb. 0.10 oz.	
* Expected delivery Friday, March 18.	
Certified Mail™	\$2.80
Return Receipt (email)	\$1.10
Label #:	
7196 9010 3990 0802 9463	

Issue Postage:	\$4.34
Total: <i>Class 7 Direct to Honda</i>	\$4.34

Paid by:	
DebitCard	\$4.34
Account #:	
Approval #:	
Transaction #:	339
23-902280074-99	
Receipt #:	107463

APC Transaction #:	115
USPS® #	277618-9550

 * IMPORTANT: For Return Receipt (by *
 * email), wait at least one day, but *
 * no more than 60 days, to make your *
 * request; visit www.usps.com; *
 * select "Track & Confirm"; enter *
 * label number(s); select "Request *
 * Return Receipt (Electronic)"; *
 * enter your name and email address. *

To check on the delivery status of
 your Certified Mail™ article, visit
 our Track & Confirm website at
www.usps.com or use this Automated
 Postal Center™ (or any Automated
 Postal Center™ at other Postal
 locations).

Thanks.
 It's a pleasure to serve you.

ALL SALES FINAL ON STAMPS AND POSTAGE.
 REFUNDS FOR GUARANTEED SERVICES ONLY.